



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,299	12/21/2000	John R. Koko	067292.0103	1842

7590 06/16/2004
Keiko Ichiye
Baker Botts L.L.P.
2001 Ross Avenue
Dallas, TX 75201

EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,299

Applicant(s)

KOKO ET AL.

Examiner

Md S Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments mailed on 04/01/04 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 7, 9, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. (U.S. Patent No. 5,402,474).

Regarding claims 1 and 14, Miller teaches communicating with a customer through a communication channel (abstract; fig.1, 2; col.3, lines 39-42, 68, col.4, lines 1-4, col.5, lines 3-9; 'customer' reads on the claim 'client'). (Note: the customer interacting with the customer service agent by way of the telephone system. Therefore, communication channel is inherent)

Miller further teaches accumulating (i.e., gathering) comments (i.e., feedback) from the customer about an agent and a telephone transaction (i.e., interaction) associated with the agent through the communication channel (abstract; fig.1, 2; col.3, lines 39-42, col.5, lines 3-9, col.7, lines 13-37).

Miller further teaches recording (i.e., storing) the comments in a database (i.e., client response database) (col.5, lines 3-9, col.7, lines 13-37).

Art Unit: 2645

Regarding claims 2 and 15, Miller teaches that gathering comprises gathering the feedback through a telephone call (abstract; fig.1, 2; col.3, lines 39-42, 68, col.4, lines 1-4, col.5, lines 3-9, col.7, lines 13-37).

Miller further teaches recording the telephone call and storing the recorded telephone call (abstract; fig.1, 2; col.3, lines 39-42, 68, col.4, lines 1-4, col.5, lines 3-9, col.7, lines 13-37).

Regarding claim 7 is rejected for the same reasons as discussed above with respect to claims 1. Furthermore, Miller teaches storing the comment in a database (i.e., client record database) coupled to the program interface (i.e., monitoring module) (abstract; fig.1, 2; col.3, line 68, col.4, lines 1-4, 15-26, col.5, lines 3-9, col.7, lines 13-37, col.8, line 63-col.9, line 15).

Regarding claim 9 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Miller teaches that the monitoring module is operable to record the telephone transaction information (i.e., call) (abstract; col.7, lines 13-37, col.8, line 63-col.9, line 15, lines 38-57).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5, 6, 10, 12, 13, 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (U.S. Patent No. 5,402,474) and in view of Sloo (U.S. Patent No. 5,895,450).

Art Unit: 2645

Regarding claims 3, 10 and 16, Miller teaches receiving an agent comment (i.e., report) from the agent, the agent comment describing the transaction (i.e., interaction) (col.9, lines 38-57).

Miller fails to teach determining whether there is an actionable discrepancy between the agent response and the feedback and initiating a responsive action if there is the actionable discrepancy. Sloo teaches determining whether there is an actionable discrepancy between the agent response and the feedback and initiating a responsive action if there is the actionable discrepancy (col.8, line33-col.9, line10). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller to allow determining whether there is an actionable discrepancy between the agent response and the feedback and initiating a responsive action if there is the actionable discrepancy as taught by Sloo. The motivation for the modification is to have doing so in order to generate the appropriate resolution.

Regarding claims 5, 12 and 18, Miller fails to teach “generating an evaluation of the agent using the complaint information”. Sloo teaches generating a rating (i.e., evaluation) of the agent using the complaint information (col.8, line33-col.9, line10). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller to generate an evaluation of the agent using the complaint information as taught by Sloo. The motivation for the modification is to have doing so in order to rate the performance of the agent.

Regarding claims 6, 13 and 19 are rejected for the same reasons as discussed above with respect to claim 5. Furthermore, Miller fails to teach “matching the agent with a second client according to the rating”. Sloo teaches comparing (i.e., matching) the agent with a second client according to the rating (col.2, lines 12-20, col.9, lines 32-49). Thus, it would have been obvious

Art Unit: 2645

to one of ordinary skill in the art at the time the invention was made to modify Miller to match the agent with a second client according to the rating as taught by Sloo. The motivation for the modification is to have doing so in order to generate the proper judgement.

6. Claims 4, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (U.S. Patent No. 5,402,474) and in view of Shaffer et al. (U.S. Patent No. 6,363,145).

Regarding claims 4, 11 and 17, Miller teaches determining whether the complaint comprises a selection of register a "Response" option (i.e., trigger event) (fig.2, 5; col.5, lines 66, 67, col.6, lines 1-4).

Miller further fails to teach "triggering an alarm if the feedback comprises the trigger event". Shaffer'145 teaches triggering an alarm if the feedback comprises the trigger event (col.3, lines 26-43). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller to allow triggering an alarm if the feedback comprises the trigger event as taught by Shaffer'145. The motivation for the modification is to have doing so in order to provide the notification of the agent's performance.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (U.S. Patent No. 5,402,474) and in view of Shaffer et al. (U.S. Patent No. 6,128,380).

Regarding claim 8, Miller fails to teach "the communication channel comprises a website operable to be accessed by the client". Shaffer'380 teaches the communication channel comprises an internet push technology operable to be accessed by the caller (col.5, lines 3-18; 'internet push technology' reads on the claim 'website' and 'caller' reads on the claim 'client'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was

Art Unit: 2645

made to modify Miller to allow the communication channel comprising a website operable to be accessed by the client as taught by Shaffer'380. The motivation for the modification is to have doing so in order to provide the internet access for the customer.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (U.S. Patent No. 5,402,474) and in view of Sloo (U.S. Patent No. 5,895,450) and further in view of Shaffer et al. (U.S. Patent No. 6,363,145).

Regarding claim 20 is rejected for the same reasons as discussed above with respect to claims 7, 9, 10, 11 and 13.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Flockhart et al. (U.S. Patent No. 5,943,416) teach Arrangement for improving retention of call center's customers, Bogart et al. (U.S. Patent No. 6,163,607) teach Optimizing call-center performance by using predictive data to distribute agents among calls, Gisby (U.S. Patent No. 5,943,416) teach Automated survey control routine in a call center environment and Fedorov et al. (U.S. Patent No. 6,047,060) teach Method and apparatus for enabling full interactive monitoring of calls to and from a call-in center.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the

Art Unit: 2645

organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M.E.

MD SHAFIUL ALAM ELAHEE

June 9, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

